

AMENDED IN SENATE JUNE 30, 2014

AMENDED IN SENATE JUNE 11, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1995

Introduced by Assembly Member Levine

February 20, 2014

An act to amend Section 61105 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1995, as amended, Levine. Community service districts: covenants, conditions, and restrictions: enforcement.

The Community Services District Law authorizes the establishment of community services districts to provide various services to the geographic area within each district, and further authorizes specified community services districts to enforce covenants, conditions, and restrictions within that district, as provided.

This bill would ~~allow~~ *authorize* the Bel Marin Keys Community Services District to enforce *all or part of the* covenants, conditions, and restrictions *for a tract* within that district ~~upon adoption of a resolution of application at a public hearing and approval by the Marin Local Agency Formation Commission, district, and to assume the duties of an architectural control committee for that tract~~, as provided.

This bill would make legislative findings and declarations as to the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 61105 of the Government Code is amended to read:

61105. (a) The Legislature finds and declares that the unique circumstances that exist in certain communities justify the enactment of special statutes for specific districts. In enacting this section, the Legislature intends to provide specific districts with special statutory powers to provide special services and facilities that are not available to other districts.

(b) (1) The Los Osos Community Services District may borrow money from public or private lenders and lend those funds to property owners within the district to pay for the costs of decommissioning septic systems and constructing lateral connections on private property to facilitate the connection of those properties to the district's wastewater treatment system. The district shall lend money for this purpose at rates not to exceed its cost of borrowing and the district's cost of making the loans. The district may require that the borrower pay the district's reasonable attorney's fees and administrative costs in the event that the district is required to take legal action to enforce the provisions of the contract or note securing the loan. The district may elect to have the debt payments or any delinquency collected on the tax roll pursuant to Section 61116. To secure the loan as a lien on real property, the district shall follow the procedures for the creation of special tax liens in Section 53328.3 of this code and Section 3114.5 of the Streets and Highways Code.

(2) (A) (i) Except as otherwise provided in this paragraph, on and after January 1, 2007, the Los Osos Community Services District shall not undertake any efforts to design, construct, and operate a community wastewater collection and treatment system within, or for the benefit of, the district. The district shall resume those powers on the date specified in any resolution adopted pursuant to subdivision (I) of Section 25825.5.

(ii) Upon resuming the powers pursuant to subdivision (i), the Los Osos Community Services District may continue the program to offset assessments or charges for very low or low-income households with funding sources, including, but not limited to, grants, adopted pursuant to subdivision (g) of Section 25825.5. If the county has not implemented that program, the Los Osos

1 Community Services District may adopt a program that complies
2 with subdivision (g) of Section 25825.5 to offset assessments or
3 charges for very low or low-income households. The Los Osos
4 Community Services District shall not include in an assessment
5 or charge an amount to cover the costs to the county in carrying
6 out the offset program.

7 (B) Nothing in this paragraph shall affect the district's power
8 to do any of the following:

9 (i) Operate wastewater collection and treatment facilities within
10 the district that the district was operating on January 1, 2006.

11 (ii) Provide facilities and services in the territory that is within
12 the district, but outside the prohibition zone.

13 (iii) Provide facilities and services, other than wastewater
14 collection and treatment, within the prohibition zone.

15 (C) Promptly upon the adoption of a resolution by the Board of
16 Supervisors of the County of San Luis Obispo requesting this
17 action pursuant to subdivision (i) of Section 25825.5, the district
18 shall convey to the County of San Luis Obispo all retained
19 rights-of-way, licenses, other interests in real property, funds, and
20 other personal property previously acquired by the district in
21 connection with construction projects for which the district awarded
22 contracts in 2005.

23 (c) The Heritage Ranch Community Services District may
24 acquire, construct, improve, maintain, and operate petroleum
25 storage tanks and related facilities for its own use, and sell those
26 petroleum products to the district's property owners, residents,
27 and visitors. The authority granted by this subdivision shall expire
28 when a private person or entity is ready, willing, and able to
29 acquire, construct, improve, maintain, and operate petroleum
30 storage tanks and related facilities, and sell those petroleum
31 products to the district and its property owners, residents, and
32 visitors. At that time, the district shall either (1) diligently transfer
33 its title, ownership, maintenance, control, and operation of those
34 petroleum tanks and related facilities at a fair market value to that
35 private person or entity, or (2) lease the operation of those
36 petroleum tanks and related facilities at a fair market value to that
37 private person or entity.

38 (d) The Wallace Community Services District may acquire,
39 own, maintain, control, or operate the underground gas distribution
40 pipeline system located and to be located within Wallace Lake

1 Estates for the purpose of allowing a privately owned provider of
2 liquefied petroleum gas to use the underground gas distribution
3 system pursuant to a mutual agreement between the private
4 provider and the district or the district's predecessor in interest.
5 The district shall require and receive payment from the private
6 provider for the use of that system. The authority granted by this
7 subdivision shall expire when the Pacific Gas and Electric
8 Company is ready, willing, and able to provide natural gas service
9 to the residents of Wallace Lake Estates. At that time, the district
10 shall diligently transfer its title, ownership, maintenance, control,
11 and operation of the system to the Pacific Gas and Electric
12 Company.

13 (e) The Cameron Park Community Services District, the El
14 Dorado Hills Community Services District, the Golden Hills
15 Community Services District, the Mountain House Community
16 Services District, the Rancho Murieta Community Services District,
17 the Salton Community Services District, the Stallion Springs
18 Community Services District, and the Tenaja Meadows Community
19 Services District, which enforced covenants, conditions, and
20 restrictions prior to January 1, 2006, pursuant to former Section
21 61601.7 and former Section 61601.10, may continue to exercise
22 the powers set forth in former Section 61601.7 and former Section
23 61601.10.

24 (f) ~~(1) The Bel Marin Keys Community Services District,~~
25 ~~which prior to January 1, 2006, enforced District may enforce all~~
26 ~~or part of the covenants, conditions, and restrictions pursuant to~~
27 ~~former Section 61601, may reestablish the powers set forth in~~
28 ~~former Section 61601.10 if both of the following conditions are~~
29 ~~met: for a tract, and assume the duties of the architectural control~~
30 ~~committee, to the extent that a tract's covenants, conditions, and~~
31 ~~restrictions authorize an architectural control committee. Before~~
32 ~~the district can enforce covenants, conditions, and restrictions,~~
33 ~~and assume the duties of an architectural control committee, for~~
34 ~~a tract, the board of directors shall:~~

35 ~~(1) The district conducts a public hearing, after giving mailed~~
36 ~~notice to each affected property owner and registered voter of the~~
37 ~~date, time, and place of the hearing, and adopts a resolution of~~
38 ~~application to the local agency formation commission pursuant to~~
39 ~~Section 56824.10 to enforce covenants, conditions, and restrictions;~~

1 ~~specifying the exact nature and scope of intended services to be~~
2 ~~provided by the district therein.~~

3 ~~(2) The Marin Local Agency Formation Commission approves~~
4 ~~the action pursuant to Section 56824.14 that includes, among other~~
5 ~~completion terms deemed appropriate by the commission,~~
6 ~~indemnification for the district executed by all affected homeowner~~
7 ~~or property owner associations for all related services.~~

8 *(A) Receive a written request from the board of directors of the*
9 *tract's property owners' association or homeowners' association,*
10 *with a petition signed by not less than a majority of the property*
11 *owners of the parcels within the tracts covered by those*
12 *associations, requesting the district to enforce the covenants,*
13 *conditions, and restrictions for that tract and assume the duties*
14 *of the architectural control committee for that tract, if an*
15 *architectural control committee is called for in the covenants,*
16 *conditions, and restrictions.*

17 *(B) Conduct a public hearing on the question, after giving*
18 *mailed notice to each affected property owner of the date, time,*
19 *and location of the meeting.*

20 *(C) Submit an application to the local agency formation*
21 *commission pursuant to Section 56824.10, specifying the exact*
22 *nature and scope of the intended services to be provided by the*
23 *district.*

24 *(D) Receive the approval of the local agency formation*
25 *commission, pursuant to Article 1.5 (commencing with Section*
26 *56824.10) of Chapter 5 of Part 3 of Division 3 of Title 5, which*
27 *may include completion terms deemed appropriate by the*
28 *commission, to enforce covenants, conditions, and restrictions for*
29 *a tract, and to assume the duties of the architectural control*
30 *committee for that tract.*

31 *(E) Adopt an ordinance assuming the power to enforce*
32 *covenants, conditions, and restrictions for a tract, and to assume*
33 *the duties of the architectural control committee for that tract,*
34 *provided that the ordinance requires:*

35 *(i) The property owners within the tract to finance the*
36 *enforcement of the covenants, conditions, and restrictions, and*
37 *the duties of the architectural control committee.*

38 *(ii) The tract's property owners' association or homeowners'*
39 *association to indemnify the district for the costs of any litigation,*
40 *settlements, injuries, damages, or judgments arising from*

1 *enforcement of the covenants, conditions, and restrictions, and*
2 *the district's duties as the architectural control committee.*

3 (2) *The Bel Marin Keys Community Services District may, by*
4 *ordinance, divest itself of the power undertaken under this*
5 *subdivision.*

6 (g) The Bear Valley Community Services District, the Bell
7 Canyon Community Services District, the Cameron Estates
8 Community Services District, the Lake Sherwood Community
9 Services District, the Saddle Creek Community Services District,
10 the Wallace Community Services District, and the Santa Rita Hills
11 Community Services District may, for roads owned by the district
12 and that are not formally dedicated to or kept open for use by the
13 public for the purpose of vehicular travel, by ordinance, limit access
14 to and the use of those roads to the landowners and residents of
15 that district.

16 (h) Notwithstanding any other provision of law, the transfer of
17 the assets of the Stonehouse Mutual Water Company, including
18 its lands, easements, rights, and obligations to act as sole agent of
19 the stockholders in exercising the riparian rights of the
20 stockholders, and rights relating to the ownership, operation, and
21 maintenance of those facilities serving the customers of the
22 company, to the Hidden Valley Lake Community Services District
23 is not a transfer subject to taxes imposed by Part 11 (commencing
24 with Section 23001) of Division 2 of the Revenue and Taxation
25 Code.

26 (i) The El Dorado Hills Community Services District and the
27 Rancho Murieta Community Services District may each acquire,
28 construct, improve, maintain, and operate television receiving,
29 translating, or distribution facilities, provide television and
30 television-related services to the district and its residents, or
31 authorize the construction and operation of a cable television
32 system to serve the district and its residents by franchise or license.
33 In authorizing the construction and operation of a cable television
34 system by franchise or license, the district shall have the same
35 powers as a city or county under Section 53066.

36 (j) The Mountain House Community Services District may
37 provide facilities for television and telecommunications systems,
38 including the installation of wires, cables, conduits, fiber optic
39 lines, terminal panels, service space, and appurtenances required
40 to provide television, telecommunication, and data transfer services

1 to the district and its residents, and provide facilities for a cable
2 television system, including the installation of wires, cables,
3 conduits, and appurtenances to service the district and its residents
4 by franchise or license, except that the district may not provide or
5 install any facilities pursuant to this subdivision unless one or more
6 cable franchises or licenses have been awarded under Section
7 53066 and the franchised or licensed cable television and
8 telecommunications services providers are permitted equal access
9 to the utility trenches, conduits, service spaces, easements, utility
10 poles, and rights-of-way in the district necessary to construct their
11 facilities concurrently with the construction of the district's
12 facilities. The district shall not have the authority to operate
13 television, cable, or telecommunications systems, except as
14 provided in Section 61100. The district shall have the same powers
15 as a city or county under Section 53066 in granting a franchise or
16 license for the operation of a cable television system.

17 SEC. 2. The Legislature finds and declares that a special law
18 is necessary and that a general law cannot be made applicable
19 within the meaning of Section 16 of Article IV of the California
20 Constitution because of the unique circumstances facing the Bel
21 Marin Keys Community Services District.